



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

July 22, 2005

IN REPLY REFER TO

HDA-CA

Document # 47731

Mr. Will Kempton, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Branch, Room 3500
For Ross A. Chittenden, Transportation Programming

Dear Mr. Kempton:

SUBJECT: FY 2004 FTIP Amendment No.'s 9 and 10 – Butte County Association of Governments (BCAG)

The Federal Highway Administration (FHWA) has completed its review of Amendment No. 9 and No. 10 to the BCAG's 2004 Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated July 15, 2005. The BCAG adopted Amendment No. 9 with Resolution No. 2004/05-30 and Amendment No. 10 with Resolution No. 2004/05-31, both on June 23, 2005. With those actions, the BCAG Board of Directors approved the program modifications and reaffirmed the conformity of the BCAG FTIP with the applicable State Implementation Plan (SIP) for air quality.

The BCAG FTIP Amendment No. 9 was requested by the California Department of Transportation (Caltrans) to re-program previous Transportation Enhancement projects that had been in the STIP as a "Reserve". In addition, this amendment programs 3 SHOPP projects on behalf of Caltrans District 3. Amendment No. 10 was requested by Caltrans to identify a project cost increase for the State Route 149 Project. The California Transportation Commission approved STIP amendments to specifically fund the identified projects.

Pursuant to the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, we accept the modifications to the 2005-2007 Federal Statewide Transportation Improvement Program (FSTIP) for the BCAG region in accordance with the Federal statewide and metropolitan transportation planning regulations codified in 23 CFR Part 450. We find that BCAG's 2004 FTIP, through Amendment No.'s 9 and 10, was developed through a continuing, cooperative, and comprehensive transportation planning process carried out in accordance with the metropolitan planning provisions of 23 U.S.C. §134, and 49 U.S.C. Chapter 53. This approval is provided with the understanding that the Federal Transit Administration (FTA) funding approval on the individual projects contained in the FSTIP are subject to grantees meeting all necessary FTA administrative requirements.



We have determined that program modifications in Amendment No. 9 are exempt from the regional emissions analysis requirements pursuant to the transportation conformity provisions found in 40 CFR Part 93 sections 126 and 127. This finding has been coordinated with Region 9 of the Environmental Protection Agency (EPA) in accordance with the procedures outlined in the *National Memorandum of Understanding between DOT and EPA on Transportation Conformity*, dated April 25, 2000. The programming changes in Amendment No. 10, while not exempt from conformity requirements, do not have any impact on conformity status of the BCAG FTIP nor any impact on the previous conformity determination. Therefore, we find that the FTIP continues to conform to the applicable SIP.

This letter also constitutes approval and inclusion of the BCAG's FTIP Amendment No.'s 9 and 10 into California's 2004/05 – 2006/07 FSTIP.

If you have questions or need additional information concerning our approval for this BCAG FSTIP amendment, please contact Steven Luxenberg of the FHWA California Division office at (916) 498-5066, or by email at steve.luxenberg@fhwa.dot.gov.

Sincerely,

/s/ K. Sue Kiser

For
Gene K. Fong
Division Administrator

cc: (e-mail)
Jon Clark, BCAG
Ivan Garcia, BCAG
Randy Steen, Caltrans
Ross A. Chittenden, Caltrans
Abhijit Bagde, Caltrans
Terry Abbott, Caltrans
Rachel Falsetti, Caltrans
Karina O'Connor, EPA
Toby Tiktinsky, EPA
Paul Page, FTA

cc: (other)
BCAG 2004 FTIP Binder

Sluxenberg/jf